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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of  
WSKG PUBLIC  
TELECOMMUNICATIONS COUNCIL

For a Construction Permit  
For a New FM Station  
Binghamton, New York

ARROWHEAD CHRISTIAN  
CENTER

For a Construction Permit  
For a New FM Station  
Binghamton, New York

) MM Docket No. 92-116

) File No. BPED-910501MB

) File No. BPED-910501MC

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To: Administrative Law Judge  
Arthur I. Steinberg

MASS MEDIA BUREAU'S COMMENTS ON  
JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT  
AND  
PETITION FOR LEAVE TO AMEND AND AMENDMENT

1. On October 20, 1992, WSKG Public Telecommunications Counsel (WSKG) and Arrowhead Christian Center, Inc. (Arrowhead) filed a joint motion for approval of settlement agreement. On December 11, 1992, Arrowhead filed an inter-related petition for leave to amend and amendment. On December 23, 1992, Arrowhead filed a supplement to its petition for leave to amend. The Mass Media Bureau hereby offers its comments in support of the joint motion and Arrowhead's petition for leave to amend, as supplemented.

Settlement Agreement:

2. The settlement agreement is conditioned upon Arrowhead

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amending its application to specify new technical facilities including a new frequency and transmitter site. The agreement also calls for WSKG to reimburse Arrowhead in an amount up to \$18,000 for Arrowhead's legitimate and prudent expenditures in prosecuting its application. Arrowhead supplies the required documentation establishing that it has incurred such expenses in an amount exceeding \$20,000.

3. The joint motion and supporting materials submitted by the parties are otherwise in conformity with the requirements of Section 73.3525 of the Commission's Rules, which implements Section 311(c)(3) of the Communications Act of 1934, as amended. Specifically, they have established that approval of the agreement is in the public interest and that the applications were not filed for an improper purpose.

Amendment:

4. In its petition for leave to amend and amendment, Arrowhead proposes to change its technical facilities by specifying operation on Channel 211 in lieu of Channel 218. Arrowhead also proposes to change its transmitter site, antenna height and effective radiated power. Arrowhead contends that good cause exists for acceptance of its amendment because it would eliminate the mutual exclusivity between the Arrowhead application and that of WSKG and permit a grant of both applications. In the past, Arrowhead notes, the Commission has

granted similar amendments under similar circumstances. Citing, Lakeshore Communications, Inc., FCC 91M-1428, released April 14, 1991; Yolo Country Public Radio, FCC 90M-477, released March 9, 1990; and Cabrini College, FCC 89M-2039, released August 8, 1989.

5. The Mass Media Bureau's engineering staff has reviewed Arrowhead's amendment and has determined that it conforms with the Commission's technical rules and will eliminate the mutual exclusivity. Moreover, grant of the amendment will permit termination of this proceeding and will allow both Arrowhead and WSKG to provide new noncommercial educational broadcast service to the Binghamton area. Finally, while the proposed amendment is a "major change," the "major change" rules are not applicable to post-designation amendments. Revision of Sections 73.3571, 73.3572 and 73.3573 of the Commission's Rules, 5 FCC Rcd 2993, 2995 n. 10 (1990).

Contingent Environmental Issue:

6. The Hearing Designation Order, 7 FCC Rcd 3507 (1992) (HDO), in this proceeding specified a contingent environmental issue with respect to the WSKG and Arrowhead applications. On July 7, 1992, WSKG filed an amendment to meet the contingent environmental issue pending against its application. By letter dated December 21, 1992, the Assistant Chief, Audio Services Division, informed the Presiding Judge that

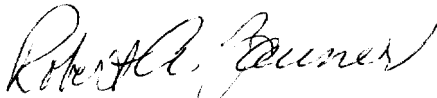
the amendment resolved the contingent environmental issue and requested that the issue, as it applies to WSKG, be eliminated from the HDO. In light of this action by the Audio Services Division, upon deletion of the contingent environmental issue, WSKG's application may be granted.

Conclusion

7. The Bureau supports approval of the joint motion for settlement, a grant of Arrowhead's petition for leave to amend, acceptance of its amendment, as supplemented, and a grant of the WSKG and Arrowhead applications with reimbursement as specified in the settlement agreement.

Respectfully submitted,  
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January 6, 1992

**CERTIFICATE OF SERVICE**

Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certifies that she has on this 6th day of January 1993, sent by regular United States mail; U.S. Government frank, copies of the foregoing **"Mass Media Bureau's Comments on Joint Motion for Approval of Settlement Agreement and Petition for Leave to Amend"** to:

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